
The 27th Chaitra, 1936 (S. E.)

**THE HIGH COURT OF MEGHALAYA
SHILLONG**

NOTIFICATIONS

The 2nd April, 2014.

No.HCM.II/354/2014/913.—Shri Chisak G. Momin Judicial Magistrate, West Garo Hills, Tura is granted earned leave for 40 (forty) days as follows:

32 (thirty two) days with effect from 15th January, 2014 to 15th February, 2014 on private affairs
8 (eight) days with effect from 16th February, 2014 to 23rd February, 2014 on medical ground.

Certified that there is every likelihood of Shri Chisak G. Momin returning to the post/duty from which he has proceeded on leave.

REGISTRAR GENERAL

Shillong, the 3rd December, 2013.

HIGH COURT OF MEGHALAYA (RIGHT TO INFORMATION) RULES, 2013

No.HCM.II/430/2013/5609.- In exercise of the power conferred by sub-section (1) of Section 28 read with Section 2(e)(iii) of the Right to Information Act, 2005, Hon'ble the Chief Justice, High Court of Meghalaya, is hereby pleased to frame the following Rules :

1. Short title, commencement and application. – (i) These Rules shall be called the High Court of Meghalaya (Right to Information) Rules, 2013.

(ii) It shall come into force from the date of its publication in the Official Gazette.

(iii) These Rules shall be applicable to the High Court of Meghalaya and all the subordinate Courts under the control of the High Court of Meghalaya.

2. Definitions : In these Rules, unless the context otherwise requires

(a) "Act" means the Right to Information Act, 2005 (No.22 of 2005).

(b) "Applicant" means the person making request for any information under the Act and the instant Rule.

(c) "Appellate Authority" means the authority designated as such by the Chief Justice of the High Court.

(d) "Authorised" person means Public Information Officer(s) and Assistant Public Information Officer(s) designated as such by the Chief Justice of the High Court as enumerated in Appendix-I.

(e) "Chief Justice" means the Chief Justice of the High Court of Meghalaya.

(f) "Form" means the form appended to these Rules.

(g) "High Court" means the High Court of Meghalaya.

(h) "Registrar General" means the Registrar General of the High Court of Meghalaya.

(i) "Section" means a section of the Act.

(j) Words and expressions used but not defined in these Rules shall have the same meaning as assigned to them in the Act.

3. Application for seeking information. – (a) Any person seeking information under the Act shall file an application from 11.00 A.M. to 1.00 P.M. on a Court working day to the authorized person in Form A deposit application fee as per Rule 9 with the authorized person.

(b) Every application shall be made for one particular item of information only.

(c) The authorized person shall duly acknowledge the receipt of the application as provided in Form B.

(d) The Information requested for shall be sufficiently specified in the application as to lead to its identification without any difficulty, ambiguity or doubt.

(e) If the applicant is illiterate and is unable to present the application in writing in Form A, the authorized person shall help him to that extent and shall get the application produced in writing.

Provided that a person who makes a request through electronic form shall ensure that the requisite fee is deposited in the manner provided in Rule 9 with the authorized person within 7(seven) days of his sending the request through the electronic form, failing which his application shall be treated as rejected.

4. Disposal of application by the authorized person. – (i) On receipt of application alongwith requisite fee, the authorized person shall enter the particulars in a register maintained as per Rule 10(i).

(ii) If the requested information does not fall within the jurisdiction of the authorized person, he/she shall order return of the application to the applicant in Form C as soon as practicable, preferably within 15(fifteen) days, and in any case not later than 30(thirty) days, from the date of receipt of the application, advising the applicant, wherever possible, about the authority concerned to whom the application should be made. The application fee deposited in such cases shall not be refunded.

(iii) If the requested information falls within the authorized persons jurisdiction but pertains to any one or more of the categories enumerated in Section 8 and 9 of the Act, the authorized person, on being so satisfied, will issue the rejection order in Form D as soon as practicable, preferably within 15 days and in any case not later than 30 days from the date of receipt of the application. The application fee deposited shall not be refunded.

(iv) If the requested information falls within the authorized persons jurisdiction but not in one or more of the categories enumerated in Section 8 and 9 of the Act, the authorized person, on being so satisfied, shall supply the information to the applicant in Form E, falling within its jurisdiction. In case the information sought is partly beyond the jurisdiction of the authorized person or partly relates to the categories listed in Section 8 and 9 of the Act, the authorized person, shall supply only such information as is permissible under the Act and is within his/her own jurisdiction and reject the remaining part citing reasons therefore.

(v) In so far as decision(s), which are taken administratively or quasi judicially, information therefore, shall be available only to the affected persons.

(vi) The information shall be supplied as soon as practicable, preferably within 15 days and in any case not later than 30 days from the date of receipt of application. However, the date of the application/request shall be deemed to be the date of deposit of the entire fee or the balance fee or deficit amount of the fee to the authorized person as the case may be. Provided where the information sought for, concerns the life or liberty of a person, the decision/information, as the case may be, as contemplated in clause (i) to (iv) would be communicated/provided within forty-eight hours of the receipt of the request.

(vii) A proper acknowledgement shall be obtained by the authorized person from the applicant in token of receipt of information.

5. Exemption from disclosure of information. – Any information specified under Section 8 of the Act shall not be disclosed and made available and in particular the following information shall not be disclosed :

(a) That, which is not in the public domain or does not relate to juridical functions and duties of the Court and matters incidental and ancillary thereto.

(b) That, which has been expressly forbidden to be published by the Court or the disclosure whereof may constitute Contempt of Court; or any information which involves commercial confidence, trade secrets or intellectual property, the disclosure whereof, would harm the competitive position of a third party, unless the Chief Justice is satisfied that larger public interest warrants the disclosure of such information;

(c) That, which would impede the process of investigation or apprehension or prosecution of offenders; or information which relates to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Public Information Officer or the Assistant Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.

(d) That, affecting the confidentiality of any examination conducted by the High Court of Meghalaya or administration of the affairs thereof. The question of confidentiality shall be decided by the Chief Justice whose decision shall be final.

(e) That can be obtained under the provisions of the High Court of Meghalaya Rules in case of the High Court and under Civil/Criminal Rules for the subordinate Courts. Such

information may be obtained by adhering to the prescribed procedure and payment of fees prescribed in the High Court Rules and Civil/Criminal Rules as the case may be.

6. Information which is to be furnished and access to records shall be subject to the restrictions and prohibitions contained in the rules/regulations in force, interalia regarding preservation and destruction of records from time to time which may have been framed, notified or implemented by the High Court.

7. Appeal. – (i) Any person

(a) Who fails to get a response in Form C or Form D from the authorized person within 30 days of submission/receipt of Form A, as above or

(b) Is aggrieved by the response received within the prescribed period, may prefer appeal in Form F to the Appellate Authority with a fee as per Rule 9 with the Appellate Authority within thirty days from the date of the response or the date of expiry of the prescribed period for response as the case may be.

(ii) On submission of the appeal along with required fee, the Appellate Authority shall acknowledge the receipt thereof, and after according the appellant an opportunity of being heard, shall endeavour to dispose it of within thirty days from the date on which it is presented and transmit a copy of the decision to the authorized person concerned.

(iii) In case the appeal is allowed, the information as determined shall be transmitted to the applicant by the authorized person within such period as ordered by the Appellate Authority. This period shall not exceed thirty days from the date of disposal of the appeal.

8. Penalties. – (i) Whoever being bound to supply information fails to furnish the same, if asked for under the Act within the time specified or fails to communicate the rejection order within the period prescribed, shall be liable to pay a penalty up to ₹ 50/- per day for the delayed period beyond 30 days subject to maximum of ₹ 500/- per application under Rule 3 or as may be determined by the Appellate Authority.

(ii) Where the information supplied is found to be false in any material particular and the person bound to supply it knows or has reason to believe it to be false, or if he does not believe it to be true, he shall be liable to pay a penalty up to ₹ 1000/- which may be imposed by the Appellate Authority.

9. Rates of fee. – (i) The authorized person shall charge the fee at the following rates, namely :

A. Application Fee

- (i) For information not relating to Rule 4(iv) above - ₹ 100.00 per application
- (ii) For information other than (i) above - ₹ 10.00 per application
- (iii) Where the information is available in the Form of a priced publication - Price so fixed
- (iv) For other than priced publication - ₹ 5.00 per page,
₹ 10.00 per page, if
Urgent.

B. For Appeal

- ₹ 50.00 per appeal.

(ii) The fee so charged shall be payable by cash/demand draft/pay order and received by the authorized person and shall deposit in the bank at the end of the day or on subsequent working day.

(iii) The demand draft or pay order shall be in favour of Registrar General, High Court of Meghalaya, payable at Shillong for subordinate Courts except Family Court/Designated Court/Labour Court/Industrial Tribunal, in favour of District & Sessions Judge of the concerned district and for Family Court/Designated Court/Labour Court/Industrial Tribunal, in favour of the concerned Judge/Presiding Officer payable at the respective district head quarter/station.

10. Maintenance of Records. – (i) The authorized persons shall maintain records of all applications received for supply of information and fee charged and paid as per Appendix-II.

(ii) The appellate authority shall maintain records of all appeals filed and the fee charged and paid as per Appendix-III.

APPENDIX-I

[See Rule 2(c)(d)]

Sl. No.	Public Authority	Appellate Authority	Public Information Officer	Assistant Public Information Officer
1	High Court of Meghalaya	Registrar General	Registrar	Deputy Registrar (Judl)
2	Subordinate Courts	District and Sessions Judge of the concerned District	Assistant District and Sessions Judge/CJM, whoever is senior	Munsiff of the concerned District/Sub-Division
3	Family Court	Principal Judge	Councillor	Senior most UDA
4	Labour Court	Presiding Officer	Chief Administrative Officer	Member
5	Industrial Tribunal	Presiding Officer	Chief Administrative Officer	Senior most UDA
6	Designated Court	Judge	Chief Administrative Officer	Senior most UDA

APPENDIX – II

[See Rule 10(i)]

Sl. No.	Date of Receipt of Application	Registration No.	Name & Address of the Party/ Applicant	Purpose of request	Information Required	Fee paid	Date of furnishing Information	Remark

APPENDIX – III

[See Rule 10 (ii)]

Sl. No.	Date of Receipt of Appeal	Registration No.	Name & Address of the Party/ Appellant	Name & Address of the Respondent/ Non-Applicant	Detail of order against which appeal is preferred	Fee paid	Date of order with decision	Remark

FORM A

Form of application for seeking information

(See Rule 3)

To

The authorized person

.....

ID. No.

.....

(for official use)

.....

1. Name of the Applicant :

2. Address :

3. Particulars of information

(a) Name of the concerned department :

(b) Details of information required :

(c) Period for which information asked for :

(d) Other details :

4. I state that the information sought does not fall within the restrictions contained in Section 8 of the Act and to the best of my knowledge it pertains to your office.

5. A fee of ₹.....has been deposited in the office of the authorized person through cash/demand draft/pay order vide No.....dated.....

Place :

Signature of applicant with

Date :

E-mail add. If any

Tel.No.....(office)

.....(Residence)

Note : (1) Reasonable assistance can be provided by authorized person in filling up of

Form A

(2) Please ensure that the Form A is complete in all respects and there is no ambiguity in providing the details of information required.

FORM B

Acknowledgement of Application in Form A

[Rule 3(c)]

I.D.No.....

Dated.....

1. Received an application in Form A from Shri/Ms.....
.....Resident of
under Section..... of the Right to Information
Act, 2005.
2. The information is proposed to be given normally within fifteen days and in any case within thirty days from the date of receipt of application and in case it is found that the information asked for cannot be supplied the rejection letter shall be issued stating reason thereof.
3. The applicant is advised to contact the undersigned on From 11.00 AM to 1.00 PM.
4. In case the applicant fails to turn up on the scheduled date(s), the authorized person shall not be responsible for delay, if any.
5. The applicant shall have to deposit the balance fee, if any, with the authorized person before collection of information.
6. The applicant may also consult the web-site of the department from time to time to ascertain the status of his application.

Date :

Signature and Stamp of

Authorised person,

E-mail :

Web-site :

Telephone No.

FORM C

Outside the jurisdiction of the Authorised person

[Rule 4(ii)]

No.

Date.....

To,

Sir/Madam,

1. Please refer to your application I.D. No. Dated
.....addressed to the undersigned regarding supply of information on
.....

2. The requested information does not fall within the jurisdiction of this authorized person
and therefore, your application is being returned herewith.

3. You are requested to apply to the concerned authorized person.

Yours faithfully

Authorised person,

E-mail :

Web-site :

Telephone No.

FORM D

Rejection Order

[Rule 4(iii)]

No.....

Date.....

To,

Sir/Madam,

1. Please refer to your application I.D.No.....

Dated.....addressed to the undersigned regarding supply of
information on

2. The information asked for cannot be supplied due to following reasons :

(i)

(ii)

3. As per Section 19 of the Right to Information Act, 2005, you may file an appeal to the
appellate authority within thirty days of the issue of this order.

Yours faithfully

Authorised person,

E-mail :

Web-site :

Telephone No.

FORM E

Form of supply of information to the applicant

[Rule 4(iv)]

No.....

Date.....

To,

Sir/Madam,

1. Please refer to your application I.D. No.....

Datedaddressed to the undersigned regarding supply of information on.....

2. The information asked for is enclosed for reference. The following partly information is being enclosed.

(i)

(ii)

(iii)

The remaining information about the other aspects cannot be supplied due to the following reasons

(i)

(ii)

(iii)

3. The requested information does not fall within the jurisdiction of this authorized person.

4. As per Section 19 of the Right to Information Act, 2005, you may file an appeal to the Appellate authority within thirty days of the issue of this order.*

Yours faithfully

Authorised person,

E-mail :

Web-site :

Telephone No. :

*Strike out if not applicable

FORM F

Appeal under Section 19 of the Right to Information Act, 2005

[Rule 7]

I.D.No.....

Dated.....

(for official use)

To,

The Appellate Authority

Address

1. Name of the Applicant :

2. Address :

3. Particulars of the Authorised person

(a) Name :

(b) Address :

4. Date of submission of application in Form A.

5. Date on which 30 days from submission of Form A is over :

6. Reasons for Appeal :

(a) No response received in Form B or C within thirty days of submission of Form A

(b) Aggrieved by the response received with prescribed period (copy of the reply receipt be attached)

(c) Grounds for appeal

7. Last date for filing the appeal [See Rule 8]

8. Particulars of information

(i) Information requested

(ii) Subject

(iii) Period

9. A fee of ₹ 50.00 for appeal has been deposited with the authority vide Receipt

No..... dated

Date :

Signature of Appellant

E-mail Address if any

Telephone No.

Acknowledgement

I.D.No.

Date :

Received an application from Shri/Ms..... Resident of
..... under Section 19 of the
Right to Information Act, 2005.

Signature of the Receipt Clerk,

Appellate authority

Telephone No.

E-mail

Web-site

By Order,**REGISTRAR GENERAL**

Shillong, the 25th November, 2013.

APPOINTMENT OF ARBITRATORS BY THE CHIEF JUSTICE OF HIGH COURT OF MEGHALAYA SCHEME 2013

No.HCM.II/430/2013/5333.- In exercise of the powers conferred under Sub-Section (10) of Section 11 of the Arbitration and Conciliation Act 1996, the Chief Justice of High Court of Meghalaya makes applicable the following scheme, with effect from the date it is notified by the Registrar General of the Court.

1. **Short Title** – This Scheme may be called the Appointment of Arbitrators by the Chief Justice of High Court of Meghalaya Scheme 2013.
2. **Submission of request** – The request to the Chief Justice under Sub-Section (4) or Sub-Section (5) or Sub-Section (6) of Section 11 shall be made in writing and shall be accompanied by-
 - (a) The original arbitration agreement or a duly certified copy thereof;
 - (b) The names and addresses of the parties to the arbitration agreement;
 - (c) The names and addresses of the arbitrators, if any, already appointed;
 - (d) The names and addresses of the person or institution, if any, to whom or which any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreed upon by them;
 - (e) The qualifications required, if any, of the arbitrators by the agreement of the parties;
 - (f) A brief written statement describing the general nature of the dispute and the points at issue;
 - (g) The relief or remedy sought; and
 - (h) An affidavit, supported by the relevant documents, to the effect that the condition to be satisfied under Sub-Section (4) or Sub-Section (5)

or Sub-Section (6) of Section 11, as the case may be, before making the request to the Chief Justice, has been satisfied.

3. **Authority to deal with the request** – Upon receipt of a request under paragraph 2, the Chief Justice may either deal with the matter entrusted to him or designate any other person or institution for the purpose.
4. **Forwarding of request to designated person or institution** – Where the Chief Justice designates any person or institution under paragraph 3, he shall have the request along with the documents mentioned in paragraph 2 forwarded forthwith to such person or institution and also have a notice sent to the parties to the arbitration agreement.
5. **Seeking further information** – The Chief Justice or the person or the institution designated by him under paragraph 3 may seek further information or clarification from the party making the request under this scheme.
6. **Rejection of request** – Where the request made by any party under paragraph 2 is not in accordance with the provisions of this scheme, the Chief Justice or the person or the institution designated by him may reject it.
7. **Notice to affected persons** – Subject to the provisions of paragraph 6, the Chief Justice or the person or the institution designated by him shall direct that a notice of request be given to all the parties to the arbitration agreement and such other person or persons may seem to him or is likely to be affected by such request to show cause, within the time specified in the notice, why the appointment of the arbitrator or the measures proposed to be taken should not be made or taken and such notice shall be accompanied by copies of all documents referred to in paragraph 2 or, as the case may be, by information or clarification, if any, sought under paragraph 5.
8. **Withdrawal of authority** – If the Chief Justice, on receipt of a complaint from either party to the arbitration agreement or otherwise, is of opinion that

the person or institution designated by him under paragraph 3 has neglected or refused to act or is incapable of acting, he may withdraw the authority given by him to such person or institution and either deal with the request himself or designate another person or institution for that purpose.

9. Intimation of action taken on request – The appointment made or measure taken by the Chief Justice or any person or institution designated by him in pursuance of the request under paragraph 1 shall be communicated in writing to –

- (a) The parties to the arbitration agreement;
- (b) The arbitrators, if any, already appointed by the parties to the arbitration agreement;
- (c) The person or the institution referred to in paragraph 2 (d);
- (d) The arbitrators appointed in pursuance of the request.

10. Request and communications to be sent to Registrar General– All requests under the scheme and communications relating thereto which are addressed to the Chief Justice shall be presented to the Registrar General or other Officer not below the rank of Assistant Registrar, of this Court, who shall maintain a separate Register of such requests and communications.

11. Delivery and receipt of written communications – the provisions of Sub-Section (1) and (2) of Section 3 of the Arbitration and Conciliation Act, 1996 shall, so far as may be, apply to all written communications received or sent under this scheme.

12. Costs for processing requests – The party making a request under this scheme, on receipt of notice of demand from –

- (a) The Registrar General or the Officer not below the rank of Assistant Registrar of the Court, where the Chief Justice makes the appointment of an arbitrator or takes the necessary measures, or

- (b) The designated person or the institution, as the case may be, where such person or institution makes appointment of arbitrator or takes the necessary measure pay an amount of ` 100/- at the initial stage and any further amount required in accordance with the term of such notice towards the costs involved in processing the request.

13. Interpretation – If any question arises with reference to the interpretation of any of the provision of this Scheme, the question shall be referred to the Chief Justice, whose decision shall be final.

14. Power to amend the Scheme – The Chief Justice may, from time to time, amend by way of addition variation any provision of this Scheme.

By Order,

REGISTRAR GENERAL

Shillong, the 19th November, 2013.

CONTEMPT OF COURTS (HIGH COURT OF MEGHALAYA) RULES, 2013

No.HCM.II/430/2013/5237. dated 19th November, 2013.- In exercise of the powers conferred under Arts.215 and 225 of the Constitution of India, Section 23 of the Contempt of Courts Act, 1971 and all other powers hereunto enabling, the High Court makes the following rules :

PART I

1. Short Title – These rules may be called the Contempt of Courts (High Court of Meghalaya) Rules, 2013.

- (a) These rules shall extend to the State of Meghalaya.
- (b) These rules shall come into force from the date of publication thereof in the official Gazette.

2. Definitions – In these rules unless there is anything repugnant in the subject or the context –

- (a) “Act” means the Contempt of Courts Act, 1971 (Act No.70 of 1971);
- (b) “Section” means a section of the Act;
- (c) “High Court” means the High Court of Meghalaya;
- (d) “Judge” means a Judge or an Additional Judge or a Judge appointed thereto under Art.224-A of the Constitution of India, of High Court of Meghalaya.
- (e) “Registrar General” includes the Registrar, Joint Registrar and such Deputy Registrar or Assistant Registrar as may from time to time be specified by the Chief Justice;
- (f) All other words and expressions used in these rules, but not defined herein, shall have the meaning respectively assigned to them in the Act.

PART II**COGNIZANCE AND PROCEDURE****A-GENERAL**

3. (1) Every petition, reference or motion for taking proceedings under the Act shall be registered as civil original petition (contempt) in respect of civil contempt and criminal original petition (contempt) in respect of criminal contempt.

(2) In proceedings initiated by petition, the initiator shall be described as the petitioner and opposite party as the respondent, and in other cases the description of the persons proceeded against shall be as follows :

"In re A son of.....occupation.....resident of....."

4. (a) Every petition under R.3 shall contain –

(i) the name, description and place of residence of the petitioner or petitioners and of the person or persons charged;

(ii) nature of the contempt alleged, and such material facts including the date or dates of the commission of the alleged contempt, as may be necessary for the proper determination of the case;

(iii) if a petition has previously been made by him on the same facts, the petitioner shall give the details of the petition previously made and shall also indicate the result thereof.

(b) The petition shall be supported by an affidavit.

(c) Where the petitioner relies upon a document or documents in his possession or power, he shall file such document or documents or true copies thereof with the petition.

(d) No Court fee shall be payable on the petition or on any documents filed in the proceedings.

5. (1) Every reference relating to contempt of court subordinate to the High Court shall be scrutinized by the Registrar General who shall place the same before the Chief Justice or any other Judge nominated by him in this behalf for obtaining orders after noting thereon the nature of the contempt.

(2) When any publication, application, letter of intimation is received by post or otherwise called for any action being taken under the Act by the High Court on its own motion, the matter shall be dealt with in the manner prescribed in sub-rule (1). In the case of criminal contempt of a subordinate court, the Chief Justice or the Judge, as the case may be, may direct that the papers be sent to the Advocate General of the State.

6. (1) Every petition, motion or reference in relation to criminal contempt shall, unless the Chief Justice directs it to be heard by a larger bench, be laid for motion hearing before a Division Bench.

(2) Every petition, motion or reference in relation to civil contempt shall, unless directed otherwise by the Chief Justice, be laid before a single Bench.

(3) Every notice issued by the High Court shall be in the form appended to these rules and shall be accompanied by a copy of the motion, petition or reference as the case may be, together with the copies of the affidavits, if any.

(4) The notice shall bear the date, the seal of the High Court and shall be issued under the signature of the Registrar General.

(5) Notice of every proceeding under the Act shall be served personally on the person charged, unless the High Court for reasons to be recorded, directs otherwise.

(6) The High Court may, if satisfied that the person charged is absconding or likely to abscond or is keeping or likely to keep out of the way to avoid service of the notice, order the issue of warrant of his arrest which, in the case of criminal contempt, may be in lieu of or in addition to the attachment of his property under sub-sections (3) and (4) of Section 17 of the Act. Such warrant may be endorsed in the manner laid down in Section 71 of the Code of Criminal Procedure, 1973, in terms of the order of the High Court.

(7) Whenever the High Court issues a notice, it may, if it sees reason so to do, dispense with the personal attendance of the person charged with the contempt and permit him to appear by his pleader, and may, in its discretion, at any stage of the proceedings, direct the personal attendance of such person, and, if necessary, enforce such attendance in the manner hereinbefore provided.

7. (1) When any person charged with contempt appears or is brought before the High Court and is prepared, while in custody or at any stage of the proceedings to give bail, such person shall be released on bail, if a bond for such sum of money as the High Court thinks sufficient is executed with or without sureties on condition that the person charged shall

attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the High Court.

Provided further that the High Court may, if it thinks fit, instead of taking bail from such person discharge him on his executing a bond without sureties for his attendance as aforesaid, or without executing such bond.

(2) Notwithstanding anything contained in sub-rule(1) where a person fails to comply with the conditions of the bail bond as regards the time and place of attendance, the High Court may refuse to release him on bail, when on a subsequent occasion in the same case he appears before the High Court or is brought in custody and any such refusal shall be without prejudice to the powers of the High Court to call upon any person bound by such bond to pay the penalty thereof.

(3) The provisions of Sections 422 and 450 of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to all bonds executed under the rule.

B- CRIMINAL CONTEMPTS

8. (1) Any person charged with criminal contempt referred to in Section 14, may file an affidavit in support of his defence on the date fixed for his appearance or any other date fixed by the High Court in that behalf.

(2) If such person pleads guilty to the charge, his plea shall be recorded and the High Court may, in its discretion, either convict him thereon or accept bail for his appearance at such time, as may be appointed, to receive its judgment.

(3) If such person refuses to plead or does not plead, or claims to be tried or the High Court does not convict him on his plea of guilty, it may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary.

C- CIVIL CONTEMPTS

9. In the case of a civil contempt other than a contempt referred to in Section 14, the High Court may take action-

(a) on its own motion; or

(b) on a Petition presented by the party aggrieved; or

(c) in the case of any civil contempt of a subordinate court on a reference made to it by that court.

10. (1) In a case of civil contempt, other than a contempt referred to in Section 14, the person charged may file his affidavit by way of reply to the charge and shall serve a copy thereof on the Petitioner or his counsel at least seven days before the date of hearing.

(2) No further return, affidavit or document shall be filed except with the leave of the High Court.

11. In the case of a civil contempt, the High Court may determine the matter of charge either on affidavits filed or on such further evidence as may be taken by itself or recorded by a subordinate court in pursuance of a direction made by it, and pass such order as the justice of the case requires, having regard to the provisions of sections 12 and 13 of the Act.

PART III APPEALS

12. (1) Every appeal filed under the Contempt of Courts Act, 1971 shall be numbered as Contempt Appeal.

(2) Every such appeal shall be posted before a Division Bench for orders as to whether notice shall issue to the respondent.

(3) The procedure for regulation of such appeals shall be the same as for appeals under Cl.15 of the Letters Patent.

PART IV MISCELLANEOUS

13. Every person against whom proceedings are initiated under the Act may of right be defended by an advocate of his choice competent to appear before the High Court.

14. A Paper Book consisting of the documents specified in R.4 shall be filed by the petitioner or the Advocate-General as the case may be, in triplicate in a case of criminal contempt and in duplicate in a case of civil contempt. Thereafter, as many copies of the Paper Book as there are respondents to whom notice is issued shall also be furnished along with the process fee prescribed in R.16.

15. (1) In a case where any proceedings are taken on a reference by a subordinate court or by the High Court on its own motion, the Registrar shall prepare the paper-book in

triplicate in a case of criminal contempt and in duplicate in a case of civil contempt. Such Paper Book shall consist of the following documents:

(i) Reference or motion,

(ii) The objectionable material, if any, alleged to constitute contempt,

(iii) Any other document which the Registrar General may deem fit to include or which the High Court may require.

(2) All relevant material brought on the record from time to time shall be included in each paper-book.

(3) In any such case, the Court may, at any stage, appoint an advocate for the conduct of the proceedings.

16. The rules contained in High Court Rules shall, in so far as they may be applicable, govern the processes issued under these rules.

17. The rule relating to the grant of copies and translation of records contained in the High Court Rules shall, in so far as they may be applicable, govern proceedings under the Act.

18. When any person is summoned by the High Court to appear as a witness in any proceedings under the Act, the expenses of such witness, as determined according to the rules for the time being in force, shall be paid by the Registrar General out of the Contingency Fund; provided that the court may direct any party to such proceedings to expenses.

19. The High Court may direct any party to a proceeding under the Act to pay the costs thereof as determined by it to any other party thereto.

20. It shall be the duty of the Registrar General to carry out, enforce and execute the orders passed by the High Court in any proceeding under the Act, and in particular, orders imposing fines or awarding costs.

ANNEXURE
Form of Notice
[See Rule 6(3)]

Notice

CRIMINAL/CIVIL ORIGINAL SIDE
CRIMINAL/CIVIL¹ ORIGINAL (CONTEMPT) Petition No..... of 20.....

Proceedings under Contempt of Courts Act, 1971 (Act No.70 of 1971)

Whereas from the material laid before this Court, it has been made to appear that you are guilty of contempt of court, punishable under Section 12 of the Contempt of Courts Act, 1971, the proceeding in the matter will be laid before the Court for the determination of the charge on the20.....(Actual).

You are hereby directed to attend this Court at 10.00 a.m. on the20..... in person/in person or through counsel² to answer the charge and to file an affidavit/an affidavit at least 7 days before the said date in support of your defences if any.

Given under my hand and the seal of the Court, thisday of.....20.....

SEAL

Registrar General
High Court of Meghalaya

Note 1. This shall be so stated only if an express order in this behalf has been passed by the High Court. In the absence of such an order this alternative shall be deleted.

Note 2. This alternative is to be mentioned only in cases of civil contempt.

REGISTRAR GENERAL

Shillong, the 5th November, 2013.

No.HCM.II/430/2013/2310.- In exercise of powers conferred by Article 225 of the Constitution of India and all other powers enabling it and in accordance with the order dated 18.1.2010 of the Supreme Court in Civil Appeal No.1134-1135/2002 titled "State of Uttaranchal –vs- Shri Balwant Singh Chufal", the High Court of Meghalaya hereby makes the following Rules, with respect to practice and procedure for the exercise of Jurisdiction under Article 226 of the Constitution of India pertaining to Public Interest Litigation.

Part – 1

Preliminary

1. Short Title: These Rules may be called the High Court of Meghalaya (Public Interest Litigation) Rules, 2013.
2. Commencement : These Rules shall come into force from the date of its publication in the Official Gazette.
3. Definition : In these rules, unless the context otherwise requires:
 - (a) "High Court" means the High Court of Meghalaya,
 - (b) "Letter Petition" means an informal written communication, addressed to the High Court or Hon'ble the Chief Justice or any Hon'ble Judge of the High Court.
 - (c) "Public Interest Litigation" means a writ petition under Article 226 of the Constitution of India, instituted *pro bona publico* for enforcement of public interest or general interest as distinguished from individual interest, in which the public or a class of a community have some interest by which their legal rights or liabilities are affected and also includes a legal action initiated by the Court for the purpose aforesaid or a Letter Petition which may be entertained as Public Interest Litigation under these Rules.
 - (d) "Public Interest Litigation Cell" means a cell created by the Chief Justice for processing Letter Petitions to be placed before the Public Interest Litigation Committee.
 - (e) "Public Interest Litigation Committee" means the Committee consisting of two sitting judges nominated by the Chief Justice.
 - (f) "State" means the State as defined under Article 12 of the Constitution of India.
 - (g) "Deputy Registrar" means an officer appointed by the Chief Justice to the post of Deputy Registrar under the High Court of Meghalaya (Recruitment, Conditions of Service of Officers and Staff) Rules, 2013.

PART II

Letter Petition

4. Public Interest Litigation Cell: The Chief Justice shall by an order constitute a Public Interest Litigation Cell for the High Court which will be headed by an officer not below the rank of Deputy Registrar.

5. Duty of the Public Interest Litigation Cell: Letter Petition shall be processed by the Public Interest Litigation Cell for being placed before the Public Interest Litigation Committee.

6. Public Interest Litigation Committee: The Chief Justice shall by an order constitute a Committee for the High Court, consisting of two Sitting Judges of the High Court as Members.

7. Public Interest Litigation Bench: Without prejudice to the powers of the Chief justice to mark any matter to any Bench for hearing, the Chief Justice shall constitute a Public Interest Litigation Bench which, subject to any directions to the contrary, shall hear all matters of Public Interest Litigation.

8. Guidelines for screening Letter Petitions: Letter Petitions raising or alluding to matters of public Interest shall be entertained as Letter Petitions and unless directed by the Public Interest Litigation Committee, Letter Petitions under the following categories shall not be entertained as Public Interest Litigation.

- (i) Landlord-tenant disputes,
- (ii) Service matters and those pertaining to pension and gratuity,
 - (iii) Personal disputes between individuals,
 - (iv) Disputes relating to contractual or statutory liabilities,
 - (v) Matrimonial disputes.

9. Processing, screening and listing of Letter Petitions as Public Interest Litigations before the Public Interest Litigation Committee:

(a) All Letter Petitions received in the Public Interest Litigations Cell, shall first be processed in the Public Interest Litigation Cell. However, neither any anonymous Letter Petition nor any such petition from which the identity of the Letter Petition cannot be established or ascertained shall be entertained.

(b) Public Interest Litigation Committee shall take such action, it may consider necessary, on the letter Petitions presented before it.

(c) Once a Letter Petition is approved by the Public Interest Litigation Committee to be entertained as a Public Interest Litigation Petition, the same shall be placed before the Public Interest Litigation Bench unless otherwise directed by the Chief Justice.

(d) The Public Interest Litigation Cell, then shall prepare a gist of the Letter Petition and the points of public concern, raised in the Letter Petition, the replies, if any, received from any department, addressed of the Government Departments / officials, who may be considered as the necessary or appropriate / proper parties for the decision of the petition and send it for listing.

PART III

Filing of Public Interest Litigations

10. Instruction for filing Public Interest Litigations:

(i) A writ petition intended to be a Public Interest Litigation shall contain:

(a) An inscription immediately below the number of the writ petition in the title, namely "In The Matter of A Public Interest Litigation".

(b) A specific averment, in para 1 of the writ petition, to the effect that writ petitioner has no personal interest in the litigation and that the petition is not guided by self-gain or for gain of any other person / institution / body and that there is no motive other than of public interest in filing the writ petition.

(c) A specific averment, in para 2 of the writ petition, as to the source of knowledge of the facts alleged in the writ petition and the further inquiries / investigation made to determine the veracity of the same.

(d) A specific averment, in para 3 of the writ petition, specifying the class of persons for whose benefit the petition has been filed and as to how such persons are incapable of accessing the Court themselves.

(e) A specific averment, in para 4 of the writ petition, of the persons / bodies / institutions likely to be affected by the order(s), sought in the writ petition and which / who shall be impleaded as respondents and a further averment that to the knowledge of the petitioner, no other persons/bodies/institutions are likely to be affected by the orders sought in the writ petition.

(f) A specific averment, in para 5 of the writ petition, of the background of the petitioner with qualifications so far as it may be material to show the competence of the petitioner to espouse the cause. If the petitioner is an organization, the names and address of its office bearers and the nature of its activities shall also be stated. An averment shall

also be made that the petitioner has the means to pay the costs, if any, imposed by the Court and on the undertaking to the Court in that respect.

(g) In para 6 of the writ petition, details of the representation(s) made to the authorities concerned for remedial actions and replies, if any received thereto shall be set out precisely.

(h) If the petitioner has previously filed public interest litigation or preferred Letter Petitions, the details thereof would be set out in a tabular form giving the number of the writ petition, the status and outcome thereof.

(i) Pleadings in brief divided into paragraphs setting forth the cause which has given rise to the filing of the writ petition shall be pleaded followed by the grounds in support of the prayer, followed by the prayer clause in the last paragraph giving the precise prayer which the petitioner wants to be granted by the court.

Provided that if the petitioner is unable to provide information for any of the matters above, there shall be a specific averment as to the reason why said information is not being provided.

(j) Averments made in the petition shall be supported by an affidavit, verifying by solemn affirmation, by the petitioner, disclosing the statements which are true to his knowledge or true to his knowledge derived from information disclosing the source of information and true to his knowledge derived from record.

(ii) Every Public Interest Litigation shall be accompanied by an affidavit as per Proforma 'A' annexed to these Rules.

11. Notwithstanding anything contained in these rules, relating to the procedure for filing and entertaining any petition in the nature of Public Interest Litigation, the High Court may *suo motu* decide to treat any matter or issue as Public Interest Litigation, without insisting on adherence to the said procedure.

PART IV

12. **Inherent Power of the Court not affected:** Nothing in these Rules shall be deemed to limit or otherwise affect the inherent power of the Court to make such order(s) as may be necessary for the ends of justice or to prevent abuse of the process of the Court, including the power to impose exemplary costs and / or to debar a petitioner or an Advocate from filing Public Interest Litigation if found to be indulging in frivolous or motivated litigation.

PROFORMA – A

AFFIDAVIT

I aged years, S/o R/o by profession do hereby solemnly affirm and declare as under.

1. That I am the petitioner above named OR I am of the petitioner above named. The petitioner is a society / company having its registered office at and I have vide resolution passed in the Meeting of the Board of Directors General Body / Executive Committee of the petitioner been authorized to institute and sign this petition.

2. I have filed the present petition as a Public Interest Litigation.

3. I have gone through the High Court of Meghalaya (Public Interest Litigation) Rules, 2013 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.

4. I / Petitioner have / has no personal interest in the litigation and neither myself nor anybody in whom I am / petitioner is interested would in any manner benefit from the relief sought in the present litigation save as a member of the General Public. This petition is not guided by self-gain or gain of any person, institution, body and there is no motive other than of public interest in filing this petition.

5. I have done whatsoever inquiry / investigation which was in my power to do, to collect all data / materials / information which were available and which were relevant for this court to entertain the present petition.

6. I further confirm that I have not concealed in the present petition any data / material / information which may have enabled this court to form an opinion whether to entertain this petition or not and / or whether to grant any relief or not.

By Order

REGISTRAR GENERAL